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f/k/a EMERY AIR FREIGHT CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UPS SUPPLY CHAIN SOLUTIONS, INC. f/k/a EMERY AIR FREIGHT CORPORATION,)	CASE NO. C 07-04389 WHA
)	
Plaintiff,)	UPS SUPPLY CHAIN SOLUTIONS, INC.'S NOTICE OF ERRATA
)	CONCERNING JOINT
vs.)	STIPULATION/MOTION TO
)	ADMINISTRATIVELY CLOSE CASE,
TANGO TRANSPORT, INC., and)	OR, ALTERNATIVELY, CONTINUE
DOES 1 through 10, inclusive,)	CASE UNTIL JANUARY 31, 2009
)	
Defendants.)	[Fed. R. Civ. P. Rule 34]

TO THE HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that counsel for UPS Supply Chain Solutions, Inc. f/k/a Emery Air Freight Corporation inadvertently electronically filed the Joint Stipulation/Motion to Administratively Close Case, or Alternatively, Continue Case until January 31, 2009 without attaching the Order Administratively Closing Case until January 31, 2009.

Accordingly, the Joint Stipulation/Motion and Order is attached herewith.

1 Dated: May 7, 2008

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4 By: 

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Tango Transport, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UPS SUPPLY CHAIN SOLUTIONS, INC.
f/k/a EMERY AIR FREIGHT
CORPORATION,

Plaintiff,

vs.

**TANGO TRANSPORT, INC., and
DOES 1 through 10, inclusive,**

Defendant(s).

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CIVIL ACTION NO. C-07-4389 WHA

**JOINT STIPULATION/MOTION TO
ADMINISTRATIVELY CLOSE CASE,
OR, ALTERNATIVELY, CONTINUE
CASE UNTIL JANUARY 31, 2009**

Plaintiff, UPS SUPPLY CHAIN SOLUTIONS, INC., f/k/a EMERY AIR FREIGHT CORPORATION (“UPS-SCS”), and, Defendant TANGO TRANSPORT, INC. (“TANGO”) hereby stipulate to the Court, or, alternatively, move the Court to Administratively Close this matter, or

alternatively, continue this matter until January 31, 2009 to facilitate a settlement agreement between the parties, and in support thereof respectfully state the following:

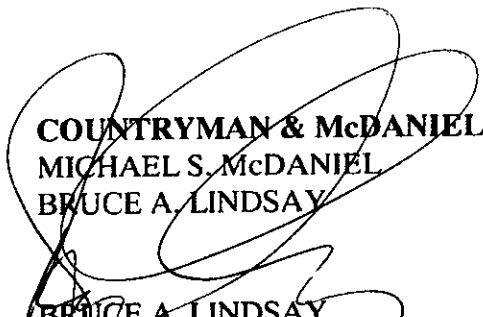
1. UPS-SCS and TANGO have reached a settlement agreement in this matter. However, the terms of the settlement agreement require additional time to complete the settlement in full and at that time, the payment obligations of TANGO under the settlement agreement must be satisfied, upon the occurrence of which this Litigation will then be dismissed with prejudice to the refiling thereof. To facilitate the foregoing, UPS-SCS and TANGO have agreed to file this motion/stipulation with the Court requesting the Court to administratively close the Litigation for a period of 9 months until January 31, 2009, or in the alternative the trial of August 25, 2008 shall be vacated and the pretrial conference of August 4, 2008 taken off-calendar, and the Litigation be continued for a period of 9 months until January 31, 2009. After the expiration of that period of time and Tango's fulfillment of its payment obligations, the Litigation will be dismissed with prejudice to the refiling thereof.

2. The terms of the settlement agreement allow either party to request the Court reopen this Litigation before January 31, 2009.

3. UPS-SCS and TANGO agree to submit to the Court an appropriate Stipulation of Dismissal With Prejudice pursuant to Rule 41(a)(1) on or before January 31, 2009, or alternatively, promptly notify the Court before that time upon the occurrence of an event which would allow TANGO to void the terms of the Settlement Agreement and Release entered into by the parties hereto or either of the parties to request reopening of this Litigation.

WHEREFORE, premises considered, Plaintiff, UPS-SCS and Defendant, TANGO, jointly request the Court to vacate the trial of August 25, 2008, take the pre-trial conference of August 4, 2008 off-calendar, and administratively close the Litigation for a period of 9 months until January 31, 2009, or in the alternative, request that the Litigation be continued for a period of 9 months until January 31, 2009. On or before January 31, 2009, the Litigation will be dismissed with prejudice to the refiling thereof which will be accomplished by the parties submitting to the Court an appropriate Stipulation of Dismissal With Prejudice pursuant to Rule 41(a)(1), provided no party has requested the court to reopen the Litigation prior thereto.

Dated: May 7, 2008


COUNTRYMAN & McDANIEL
MICHAEL S. McDANIEL
BRUCE A. LINDSAY

By: **BRUCE A. LINDSAY**
Attorneys for plaintiff, UPS SUPPLY CHAIN
SOLUTIONS, INC. f/k/a EMERY AIR
FREIGHT CORPORATION

Dated: May 7th, 2008

**ROBERTS, CUNNINGHAM &
STRIPLING, L.L.P.**
H. N. CUNNINGHAM, III
JAMES C. BAKER


By: **H. N. CUNNINGHAM, III**
Attorneys for defendant Tango Transport, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UPS SUPPLY CHAIN SOLUTIONS, INC.
f/k/a EMERY AIR FREIGHT
CORPORATION,

Plaintiff,

VS.

TANGO TRANSPORT, INC., and
DOES 1 through 10, inclusive,

Defendant(s).

§ § § § § § § § § § § § § § § §

NO. C-07-4389 WHA

**ORDER ADMINISTRATIVELY
CLOSING CASE UNTIL
JANUARY 31, 2009**

Came on this day to be heard the Joint Stipulation/Motion to Administratively Close Case, or, Alternatively, Continue Case Until January 31, 2009 filed by Plaintiff, UPS SUPPLY CHAIN SOLUTIONS, INC., f/k/a EMERY AIR FREIGHT CORPORATION (“UPS-SCS”), and, Defendant TANGO TRANSPORT, INC. (“TANGO”) in order to facilitate a settlement agreement between the parties. The Court having considered the parties’ stipulation relating to the settlement of this matter, hereby finds that the parties’ requested relief should be granted. IT IS THEREFORE ORDERED AS FOLLOWS:

1. The trial of August 25, 2008 is vacated and the pre-trial conference of August 4, 2008 is ordered off-calendar.
2. The Clerk of this Court shall administratively close this matter until January 31, 2009, or until further Order of this Court.
3. The Court is informed that under the terms and conditions of the parties' Settlement Agreement and Release, either UPS-SCS or TANGO may make application to the Court to reopen this matter before January 31, 2009. Absent such an application by either UPS-SCS or TANGO by said date, UPS-SCS and TANGO are hereby Ordered to submit to the Court an appropriate Stipulation of Dismissal With Prejudice pursuant to Rule 41(a)(1) on or before January 31, 2009.

IT IS SO ORDERED.

Dated: May __, 2008

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE